



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष १, अंक २(३)]

बुधवार, मार्च ११, २०१५/फाल्गुन २०, शके १९३६

[पृष्ठे ४, किंमत : रुपये ३६.००

असाधारण क्रमांक ६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद)

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 11th March 2015 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. VII OF 2015.

A BILL

further to amend the Maharashtra Civil Courts Act.

XIV of 1869. WHEREAS it is expedient further to amend the Maharashtra Civil Courts Act, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Civil Courts (Amendment) Act, 2015.

Short title and commencement.

(१)

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 16 of XIV of 1869. **2.** In section 16 of the Maharashtra Civil Courts Act (hereinafter referred to as “the principal Act”), for the words “ten lakh rupees” the words “one crore rupees” shall be substituted. XIV of 1869.

Amendment of section 26 of XIV of 1869. **3.** In section 26 of the principal Act, for the words “ten lakh rupees” the words “one crore rupees” shall be substituted.

Amendment of section 28A of XIV of 1869. **4.** In section 28A of the principal Act, in sub-section (2), for the words “ten lakh rupees” the words “one crore rupees” shall be substituted.

Insertion of section 28C in XIV of 1869. **5.** After section 28B of the principal Act, the following section shall be inserted, namely :—

Transfer of pending appeals. **“28C.** On the commencement of the Maharashtra Civil Courts (Amendment) Act, 2015, all appeals in which the amount or value of the subject matter does not exceed one crore rupees and pending before the High Court immediately before such commencement, shall stand transferred to the concerned District Court and such District Court may deal with such appeal from the stage which was reached before such transfer or from any earlier stage or *de-novo* as such court may deem fit: Mah. of 2015.

Provided that, this section shall not apply to any appeals which are pending before the High Court, which are statutorily provided under the relevant enactment before such Court.”.

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Maharashtra Civil Courts Act (XIV of 1869), the pecuniary appellate jurisdiction of the District Court with regard to the amount or value of the subject matter for the purpose of appeal is upto ten lakh rupees and of the High Court exceeding ten lakh rupees.

2. With the passage of time the rates of properties in the cities and mofussil areas of the State have been tremendously increased since the year 2011 when the pecuniary appellate jurisdiction of the District Court was lastly enhanced from two lakh rupees to ten lakh rupees and the litigants have to file the appeal in the High Court when the amount or value of the subject matter of the suits exceeds ten lakh rupees. As a result thereof, there is rise in filing of the appeals in the High Court. The first appeal is filed in the High Court under the Code of Civil Procedure, 1908 (V of 1908) and certain other laws. The filing of such first appeal is one of the main reason for increase in number of appeals in the High Court. Considering this and the commitment of the State Government to bring justice at the door-step of the common man, the State Government considers it expedient to enhance the said pecuniary appellate jurisdiction of the District Court from ten lakh rupees to one crore rupees. To achieve these purposes, it is proposed to amend sections 16, 26 and 28A of the said Act, suitably and to insert new section 28C in the said Act. This will facilitate the District Judges to entertain the appeals arising from the decrees passed by the Civil Judge, the amount or value of the subject matter of which does not exceed one crore rupees. Thus, only the appeals arising from the decree, the amount or value of the subject matter of which exceeds one crore rupees, will be decided by the High Court. This will certainly save the expenses and avoid inconvenience to the litigants.

3. The State Government also considers it expedient to transfer, by inserting new section 28C in the Maharashtra Civil Courts Act (XIV of 1869), all such appeals in which the amount or value of the subject matter does not exceed rupees one crore and which are pending before the High Court, to the concerned District Court.

4. The Bill intends to achieve the above objectives.

Mumbai,
Dated the 10th March 2015.

DEVENDRA FADNAVIS,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 1(2).—Under this clause, power is taken to the State Government to bring the Act into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

Vidhan Bhavan :
Mumbai,
Dated the 11th March, 2015.

DR. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Council.